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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/757,354

01/08/2001

David Clear

40031/JEJ/X2

8880

35114

7590

02/25/2005

ALCATEL INTERNETWORKING, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

NG, CHRISTINE Y

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No. 09/757,354	Applicant(s) CLEAR ET AL.	
	Examiner Christine Ng	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 11-16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8, 11-16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The indicated allowability of claims 10 and 18 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 5,598,410 to Stone. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-8, 11-16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,598,410 to Stone.

Referring to claims 5 and 13, Stone discloses in Figure 2 a packet switching controller (PDU processing device 100) for processing an inbound packet (PDU 140), the packet switching controller (PDU processing device 100) comprising:

A first engine (preprocessor 104) for constructing an edit program (directive) for the inbound packet (PDU 140) in response to a disposition decision

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(type of packet) for the inbound packet (PDU 140). Refer to Column 11, lines 1-8 and lines 29-50 and Column 11, line 66 to Column 12, line 8.

A memory (buffer 124) for storing the edit program (directive). Refer to Column 11, lines 8-13 and Column 15, lines 11-24.

A second engine (restructuring device 106) for executing the edit program (directive) to modify the inbound packet (PDU 140) and generate an outbound packet, the second engine (restructuring device 106) including a packet input buffer (memory 122) for receiving and temporarily storing the inbound packet (PDU 140); with the inbound packet (PDU 140) being stored in the packet input buffer (memory 122) until the edit program (directive) has been constructed for the inbound packet (PDU 140). Refer to Column 11, lines 29-50; Column 11, line 66 to Column 12, line 21; and Column 15, lines 11-24.

Referring to claims 6 and 14, Stone discloses in Figure 2 that the edit program (directive) includes a plurality of instructions, and one or more instructions determine a plurality of data bits to be included in the outbound packet. Refer to Column 11, lines 34-41 and Column 15, lines 11-45.

Referring to claims 7 and 15, Stone discloses in Figure 2 that the edit program (directive) includes a plurality of instructions, and one or more instructions are for performing at least one operation selected from the group consisting of record (none), playback (none), copy (Column 11, line 45), delete (Column 11, line 38), insert (Column 11, line 38) and overwrite (Column 11, line 39) operations.

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Referring to claims 8 and 16, Stone discloses in Figure 2 that the edit program (directive) includes a plurality of instructions that are executed serially. Refer to Column 19, lines 14-15.

Referring to claims 11 and 19, Stone discloses in Figure 2 that the second engine (restructuring device 106) includes a playback buffer (buffer 126) for storing data from the inbound packet (PDU 140) and for playing back at least a portion of the stored data. The buffer 26 stores incoming PDU 140's which are then modified by the directive and transmitted out to outbound lines to the communication network. This reads on "playing back" since the same data with a few modifications is received and transmitted out of the system. Refer to Column 10, lines 57-63 and Column 15, lines 11-14.

Referring to claims 12 and 20, Stone discloses in Figure 2 that the second engine (restructuring device 106) includes a packet output buffer (buffer 126), which is used to modify one or more bits of the inbound packet (PDU 140) to generate the outbound packet, and to transmit the outbound packet. The buffer 26 stores incoming PDU 140's which are then modified by the directive and transmitted out to outbound lines to the communication network. Refer to Column 10, lines 57-63 and Column 15, lines 11-14.

Response to Arguments

5. Applicant's arguments, see page 5, lines 1-18, filed January 24, 2005, with respect to the rejection(s) of claim(s) 1-22 under 35 USC § 102 and 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has

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been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5,598,410 to Stone.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng *cc*
February 17, 2005

Ricky Ngo
RICKY NGO
PRIMARY EXAMINER 2/22/05